

EXHIBIT 3

IN THE UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

BRANDON LESTER,

Plaintiff,

v.

SMC TRANSPORT, LLC,

ISRAEL MARTINEZ, JR.,

AND

SALINAS EXPRESS, LLC,

Defendants,

Civil Action No.7:15-CV-00665-GEC

AFFIDAVIT OF EDUARDO LOZANO

1. My name is Eduardo Lozano and I currently live at 1712 Third Street, Medina Addition, Zapata, Texas 78076.
2. In 2007, I began working for Salinas Express, LLC as an independent contractor over-the-road truck driver.
3. On or about October 21, 2015, while I was returning with a load from Maryland to Laredo, Texas, I became aware that the 1988 Peterbilt tractor being driven by Roy Salinas had broken down in Botetourt County, Virginia.
4. From Virginia, Roy Salinas accompanied me to deliver the load I was carrying to Laredo, Texas.
5. During the return trip or after I returned to Zapata, Texas, Rudy Salinas asked me to return to Virginia to pick up the trailer that was still attached to Roy Salinas' disabled tractor.

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6. Before leaving Zapata, Texas, to return to Virginia, Roy Salinas dropped Israel Martinez off at the tractor I was assigned in Zapata, Texas, and Mr. Martinez accompanied me to Weslaco, Texas, where Roy Salinas asked me to meet him.
7. I met Roy Salinas at a truck stop in Weslaco, Texas, where he was driving a SMC Transport, LLC, tractor with a trailer hitch attached.
8. While at the truck stop, a sudden decision was made to tow my tractor on the back of the SMC Transport, LLC tractor to save on fuel for my return trip to Virginia.
9. Roy was having trouble hooking my tractor to the towing hitch so Sergio Cuellar came to the truck stop and showed him how to hook up my tractor to the towing unit attached to the SMC Transport, LLC tractor.
10. On the return trip to Virginia, at Roy's direction, we stopped in Houston, Texas, to pick up Art Gutierrez.
11. Upon arrival at the rest area in Botetourt County, Virginia, I unhooked my tractor from the SMC Transport, LLC tractor and then hooked up the trailer that had been attached to Roy Salinas' disabled tractor.
12. Once I was hooked up to the loaded trailer, I pulled my tractor-trailer forward into a separate parking space in the rest area.
13. To the best of my information, knowledge, and belief, Salinas Express, LLC and/or Rudy Salinas, were not aware that Israel Martinez or Art Gutierrez were accompanying me on my return trip to Virginia, to complete the load that Roy Salinas was transporting when his tractor broke down.

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14. To the best of my information, knowledge, and belief, Salinas Express, LLC and/or Rudy Salinas were not aware that Roy Salinas borrowed an SMC Transport, LLC tractor with a towing hitch attached to return to Virginia to recover his disabled tractor.
15. To the best of my information, knowledge, and belief, Salinas Express, LLC and/or Rudy Salinas were not aware that my tractor was going to be towed by the SMC Transport, LLC vehicle on my return trip from Texas back to Botetourt County, Virginia.
16. To the best of my information, knowledge, and belief, Salinas Express, LLC and/or Rudy Salinas were not aware that we intended to stop in Houston, Texas to pick up Art Gutierrez to accompany me on my trip back to Botetourt County, Virginia.
17. To the best of my information, knowledge, and belief, other than directing me to return to Botetourt County, Virginia, for the purpose of recovering the loaded trailer attached to Roy Salinas' disabled tractor, Salinas Express, LLC had no role or involvement with the recovery of Roy Salinas' disabled tractor.
18. After connecting the loaded trailer to my Salinas Express, LLC tractor, I pulled my vehicle into a parking space at the rest area and I had no involvement in the recovery of Roy Salinas' disabled tractor or the operation of SMC Transport, LLC's tractor at the scene of the accident.

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And further the Affiant sayeth not:


Eduardo Lozano

STATE OF TEXAS

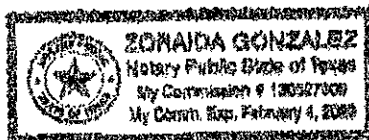
CITY/COUNTY/TOWN OF ZAPATA

To-wit:

This 10th day of July, 2016, appeared before me, Eduardo Lozano, and after having been duly sworn, affirms that the statements contained herein are true and accurate according to the best of his knowledge, information, and belief.


Notary Public

My commission expires Feb. 4, 2020



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